S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5189/07
(Shashikant Sharma Vs. State of Rajasthan)

DATE OF ORDER : 06/12/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Sandeep Mehta for the petitioner.
Mr. Ashok Upadhayay, Public Prosecutor for State.
Mr. Mukesh Patodia for the complainant.

Heard learned counsel for the petitioner and Public Prosecutor for the State as also the counsel appearing for the complainant. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioner that if at all any dispute is raised by the first informant, it is the signature according to the first informant alleged to have been forged on the printout of the account of Karvi Stock Brokers Limited in respect of Vinod Kumar Jain. The matter has been investigated and the investigating agency did not find the case and proposed to file negative final report, however, at the request of first informant, the matter was reopened only on the ground that there is dispute with regard to the signature. Counsel for the petitioner submits that the petitioner is prepared to give his specimen signature to the investigating officer and appear for interrogation. It is yet to be decided as to whether the signature of the first informant is forged or not, this can only be ascertained by the opinion of the handwriting expert. It is contended by learned counsel for the petitioner that whatever the amount given by the first informant was for the forward contract and whatever the profits of the forward contract have

been credited to the accounts of the first informant and his wife. This fact has not been disputed by the counsel appearing for the first informant.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, without commenting on the merit of the case, I consider it just and proper to allow the bail application filed by the petitioner under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Shashikant Sharma S/o Shri Kamalkant Sharma in FIR No. 23/2007 P.S. Pratapnagar, district Bhilwara, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That the petitioner shall appear before the investigating officer and give his specimen signature as also to appear before the investigating officer as and when called upon to do so;

(ii) That he shall make himself available for interrogation by a police officer as and when required;

(iii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iv)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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